

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

-----	X	
KATHLEEN CURNS and LINDA ZUKAITIS,	:	
	:	
Plaintiffs,	:	No. 06-CV-1336 (GLS)
	:	
v.	:	
	:	
WAL-MART STORES, INC.,	:	
	:	
Defendant.	:	
-----	X	

PLAINTIFFS' AMENDED LIST OF TRIAL EXHIBITS

Pursuant to Federal Rule of Civil Procedure 26(a)(3) and the Seventh Amended Trial Order in this case, dated May 12, 2010, Plaintiffs Kathleen Curns and Linda Zukaitis ("Plaintiffs"), through their undersigned counsel, Thompson Wigdor & Gilly LLP, hereby respectfully designate the annexed list of exhibits that Plaintiffs may use at trial, amended to include the exhibits designated by Plaintiffs on April 27, 2010, as well as twelve additional exhibits designated herein (Nos. P-142-153). This list is subject to supplementation, modification and revision prior to the commencement of trial based, among other things, on the Court's ruling on any *in limine* or other motions that have or may be filed by the parties.


This list does not include documents that Plaintiffs may use for impeachment and/or rebuttal purposes. By including a document on this list, Plaintiffs do not concede that the proposed exhibit is either relevant or admissible for all purposes at trial. Plaintiffs reserve the right not to offer any exhibit on this list at trial and to object to Defendant's attempt to offer such exhibit into evidence. Plaintiffs also reserve the right to introduce any exhibits on Defendant's trial exhibit list which are not objected to and/or for purposes

which are not objected to by Plaintiffs, and any demonstrative exhibits or compilations of data or documents.

Dated: June 1, 2010
New York, New York

Respectfully submitted,

THOMPSON WIGDOR & GILLY LLP

By: 

Douglas H. Wigdor (511986)
Andrew S. Goodstadt (514688)
Ariel Y. Graff (514732)

85 Fifth Avenue
New York, NY 10003
Tel. (212) 257-6800
Fax. (212) 257-6845
dwigdor@twglaw.com
agoodstadt@twglaw.com
agraff@twglaw.com

COUNSEL FOR PLAINTIFFS

United States District Court
For The Northern District Of New York

Case No. 06 Civ. 1336

Date: _____

Presiding Judge: Hon. Gary L. Sharpe

(x) Plaintiff

() Defendant

() Court

Exhibit No.	Marked for Identification	Admitted Into Evidence	Remarks	Witness	Exhibit Description
P-1					Home Office Performance Appraisal for Linda Zukaitis dated March 2, 2001 (P 270-5)
P-2					Home Office Performance Appraisal for Linda Zukaitis dated March 7, 2002 (P 263-9)
P-3					Home Office Performance Appraisal for Linda Zukaitis dated March 11, 2003 (P 257-62)
P-4					Wal-Mart Home Office Performance Appraisals for Kathleen Curns dated March 14, 2003 (P 118-23)
P-5					Home Office Performance Appraisal dated February 9, 2004 (P 248-53)
P-6					Lowest Shrink Percent YTD Award (P 143)
P-7					Reduction in Force Guidelines from Store and Club Management dated December 23, 2004 (P 79-80)
P-8					Wal-Mart Statement of Ethics (D 555-7)
P-9					Performance Evaluation for Shoes and Jewelry District Manager/Regional (D 1410-12)
P-10					Performance Evaluation for Linda Zukaitis (P 244-6)
P-11					Email to Frank Washburn dated May 5, 2005 regarding Shoes and Jewelry DM Transition (D 2921)
P-12					Email from Debra Hartenstein dated May 9, 2005 (P 78)

Exhibits Returned to Counsel (Date): _____

Signature: _____

Exhibit No.	Marked for Identification	Admitted Into Evidence	Remarks	Witness	Exhibit Description
P-13					Memo from Frank Washburn to All Management dated May 12, 2005 regarding Structure Change Announcement (P_77)
P-14					Email from Debra Goldfarb dated May 12, 2005 regarding Talking Points for Department Managers (P_124-5)
P-15					Memo from Frank Washburn to Regional Vice Presidents with cc to Regional Personnel Managers dated May 13, 2005 regarding Revised Phase 2 Districts (D_1587-8)
P-16					Email from Management Career Selection to Kathleen Curns dated May 15, 2005 (P_9)
P-17					Phase 2 Revised Chart (D_1596-9)
P-18					Email from Management Career Selection re Your MCS Application (P_13)
P-19					Email from Micah Hawk dated May 31, 2005(D_2396)
P-20					PCN for John Morgans (D_1408)
P-21					Email from Management Career Selection to Kathleen Curns regarding receipt of application for District Fashion Merchandising position (P_7)
P-22					Email from Frank Washburn to Gwen Cannon and Alfred Rodriguez regarding Transition plan for remaining Shoe and Jewelry District Managers (D_2922)
P-23					Request for Leave of Absence from Linda Zukaitis dated July, 1, 2005 (P_192)
P-24					Email from Karen Edgmon to Micah Hawk dated July 15, 2005 (D_2394)

Exhibits Returned to Counsel (Date): _____
Signature: _____

Exhibit No.	Marked for Identification	Admitted Into Evidence	Remarks	Witness	Exhibit Description
P-25					Second Notice given to Linda Zukaitis from Micah Hawk dated July 20, 2005 (P_191)
P-26					Request for Leave of Absence from Linda Zukaitis dated July 27, 2005 (P_166)
P-27					Letter from Linda Zukaitis to Micah Hawk dated July 28, 2005 regarding assistant manager position (P_165)
P-28					Letter from Micah Hawk to Linda Zukaitis dated July 29, 2005 regarding assistant manager position (P_164)
P-29					E-mail to David Eaton from Micah Hawk dated August 2, 2005 (D_2381)
P-30					Emails between Micah Hawk and George Sherrill dated August 29, 2005 (D_2357-8)
P-31					Email from Kathleen Curns to Karen Edgmon dated September 2, 2005 (P_21)
P-32					Email from Karen Edgmon to Kathleen Curns dated September 6, 2005 (P_19)
P-33					Email from Karen Edgmon dated September 6, 2005 regarding Email from Kathleen Curns (P_20)
P-34					Email from Stacy Wiggins dated September 11, 2005 regarding Kathleen Curns – Store 2262 (P_16)
P-35					E-mail from Micah Hawk dated September 21, 2005 to Kathleen Curns regarding Cobleskill Co-Manager position (P_11)
P-36					E-mail from Management Career Selection dated September 21, 2005 regarding application for Co-Manager position (P_18)

Exhibits Returned to Counsel (Date): _____
Signature: _____

Page 4 of 13

Exhibit No.	Marked for Identification	Admitted Into Evidence	Remarks	Witness	Exhibit Description
P-37					Email from Kathleen Curns to Micah Hawk dated September 26, 2005 (P_12)
P-38					Email from Micah Hawk to Kathleen Curns dated September 26, 2005 (P_17)
P-39					Email from Kathleen Curns to Micah Hawk (P_15)
P-40					EEOC Charge of Discrimination for Kathleen Curns (P_43-4)
P-41					E-mail from Management Career Selection dated October 8, 2005 regarding receipt of application for Co-Manager position (P_6)
P-42					EEOC Charge of Discrimination for Linda Zukaitis (P_50)
P-43					Amendment to EEOC Charge of Discrimination for Linda Zukaitis (D_2295)
P-44					New York Times article dated October 26, 2005 regarding Wal-Mart Memo Suggests Ways to Cut Employee Benefit Costs
P-45					Amendment to EEOC Charge of Discrimination for Kathleen Curns dated July 8, 2006 (D_2267)
P-46					Email from Management Career Selection dated October 14, 2006 regarding receipt of application for the APC-Non-Metro (WM) position (P_10)
P-47					Complaint
P-48					Completed Training Report for Stacy Wiggins (D_895-8)

Exhibits Returned to Counsel (Date): _____

Signature: _____

Page 5 of 13

Exhibit No.	Marked for Identification	Admitted Into Evidence	Remarks	Witness	Exhibit Description
P-49					Completed Training Report for Randall Sims (D_ 892-4)
P-50					Completed Training Report for Alton Jenkins (D_ 899-901)
P-51					Defendant's Objections and Responses to Plaintiff's First Set of Interrogatories
P-52					Kathleen Curns Exit Interview dated June 23, 2008 (D_ 2561)
P-53					Letter from Micah Hawk to Kathleen Curns regarding assistant manager position (D_ 2324)
P-54					Wal-Mart document entitled "Our Beliefs" (D_ 2307)
P-55					Table 2: Applicants for Fashion Merchandiser Positions for which Linda Zukaitis Applied
P-56					Associate History Profile for Brian Ratliff (D_ 1140-1)
P-57					Candidate Information Sheet (D_ 1609)
P-58					Wal-Mart EEOC Position Statement (D_ 2298-2312)
P-59					Position Applied for By Linda Zukaitis - Applicant Question & Answer (D_ 1667; D_ 1694-1700; D_ 1753-9)
P-60					Associate History Profile for Shawn Early (D_ 1517)

Exhibits Returned to Counsel (Date): _____

Signature: _____

Page 6 of 13

Exhibit No.	Marked for Identification	Admitted Into Evidence	Remarks	Witness	Exhibit Description
P-61					Wal-Mart EEOC Position Statement (D_ 2277 – 88)
P-62					Associate History Profile John Morgans (D_ 1400-1)
P-63					Positions Applied for by Kathleen Curns – Applicant Questions and Answers (D_ 1947-66)
P-64					Completed Training Report for David Eaton (D_ 885-7)
P-65					Associate History Profile for Kathy Schubert (D_ 1308-9)
P-66					MCS - Print Interview of Kathleen Curns and handwritten notes (D_ 2494-2500)
P-67					MCS - Print Interview for Kathy Schubert (D_ 2501-4)
P-68					Associate Profile and Candidate Information Sheet for Daniel Houde (D_ 1835-7; D_ 1834)
P-69					Associate Profile for Brian Woodward (D_ 1909-10)
P-70					MCS - Print Interview for Brian Woodward and handwritten notes (D_ 2399-2403)
P-71					MCS - Print Interview for Kathleen Curns and handwritten notes (D_ 2405-9)
P-72					PCN for Kathleen Curns (D_ 910)

Exhibits Returned to Counsel (Date): _____

Signature: _____

Page 7 of 13

Exhibit No.	Marked for Identification	Admitted Into Evidence	Remarks	Witness	Exhibit Description
P-73					Home Office Performance Appraisal for Kathleen Curns as District Manager (P_128-133)
P-74					Job Opening Details (D_1804-7)
P-75					Associate History Profile for Kathleen Curns (D_2573-4)
P-76					Associate History Profile for Dewey Loren (D_2575-6)
P-77					Associate History Profile for Brian Woodward (D_2577-8)
P-78					Associate History Profile for Kathy Schubert (D_2579-80)
P-79					Associate History Profile for Linda Zukaitis (D_2581-2)
P-80					Associate History Profile for Dewey Loren (D_2583-4)
P-81					Associate History Profile for Edward Narrod III (D_2585-6)
P-82					Associate History Profile for Laurie Bennett (D_2587-8)
P-83					Associate History Profile for Ronald Oriel, Jr. (D_2589-90)
P-84					Associate History Profile for Shawn Earley (D_25912)

Exhibits Returned to Counsel (Date): _____
Signature: _____

Page 8 of 13

Exhibit No.	Marked for Identification	Admitted Into Evidence	Remarks	Witness	Exhibit Description
P-85					Associate History Profile for Brian Ratliff (D_ 2593-4)
P-86					Associate History Profile for Ralph Holden (D_ 2595-6)
P-87					Associate History Profile for Daniel Houde (D_ 2597-8)
P-88					Associate History Profile for John Morgans (D_ 2599-2600)
P-89					Associate History Profile for Sabrena Towne (D_ 2601-2)
P-90					Associate History Profile for Kathleen Curns (D_ 2603-4)
P-91					PCN For Kathleen Curns (D_ 2605)
P-92					PCN For Sabrena Towne (D_ 2606)
P-93					Earnings History Report (D_ 2607-2842)
P-94					Shawn Earley Optionee Statement (D_ 2895)
P-95					Kathy Laumeyer Optionee Statement (D_ 2896)
P-96					John Morgans Optionee Statement (D_ 2897)

Exhibits Returned to Counsel (Date): _____
 Signature: _____

Page 9 of 13

Exhibit No.	Marked for Identification	Admitted Into Evidence	Remarks	Witness	Exhibit Description
P-97					Brian Ratliff Optionee Statement (D_2898)
P-98					Sabrena Towne Optionee Statement (D_2899)
P-99					Shawn Early Optionee Statement (D_2900)
P-100					Kathy Laumeyer Optionee Statement (D_2901)
P-101					John Morgans Optionee Statement (D_2902)
P-102					Brian Ratliff Optionee Statement (D_2903)
P-103					Sabrena Towne Optionee Statement (D_2904)
P-104					Laurie Bennett Optionee Statement (D_2905)
P-105					Web-Based Management Career Selection (D_2906-20)
P-106					Letter from Daniel Houde to Kathleen Curns (P_1)
P-107					Kathleen Curns W-2 Wage and Statement Forms (P_2-5)
P-108					Management Performance Appraisal of Kathleen Curns (P_1019-21)

Exhibits Returned to Counsel (Date): _____
Signature: _____

Page 10 of 13

Exhibit No.	Marked for Identification	Admitted Into Evidence	Remarks	Witness	Exhibit Description
P-109					Performance Evaluation for Kathleen Curns (P_148-150)
P-110					Letter from Tracy Fleming re Kathleen Curns (P_151)
P-111					Division 11 & 15 Mid-Year Review YTD – 00 (P_277-80)
P-112					W2 forms for Linda Zukaitis 1995 (P_163)
P-113					W2 forms for Linda Zukaitis 1996 (P_162)
P-114					W2 forms for Linda Zukaitis 1997 (P_161)
P-115					W2 forms for Linda Zukaitis 1998 (P_160)
P-116					W2 forms for Linda Zukaitis 1999 (P_159)
P-117					W2 forms for Linda Zukaitis 2000 (P_158)
P-118					W2 forms for Linda Zukaitis 2001 (P_157)
P-119					W2 forms for Linda Zukaitis 2002 (P_156)
P-120					W2 forms for Linda Zukaitis 2003 (P_154)

Exhibits Returned to Counsel (Date): _____

Signature: _____

Page 11 of 13

Exhibit No.	Marked for Identification	Admitted Into Evidence	Remarks	Witness	Exhibit Description
P-121					W2 forms for Linda Zukaitis 2004 (P_155)
P-122					W2 forms for Linda Zukaitis 2005 (P_152)
P-123					W2 forms for Linda Zukaitis 2006 (P_153)
P-124					Resume of Linda Zukaitis (P_167-8)
P-125					Management Salary Increase (P_135-6)
P-126					Management Salary Increase for Kathleen Curns (P_147)
P-127					Management Salary Increase for Linda Zukaitis (P_247)
P-128					Management Salary Increase for Linda Zukaitis (P_255)
P-129					Management Salary Increase for Linda Zukaitis (P_256)
P-130					Management Salary Increase (P_276)
P-131					Management Salary Increase (P_281)
P-132					Letter from Micah Hawk to Linda Zukaitis (P_198)

Exhibits Returned to Counsel (Date): _____
 Signature: _____

Page 12 of 13

Exhibit No.	Marked for Identification	Admitted Into Evidence	Remarks	Witness	Exhibit Description
P-133					Wal-Mart Award received by Linda Zukaitis (P_238)
P-134					District 187 Leadership Survey Details for Linda Zukaitis (P_239-43)
P-135					Linda Zukaitis Current Base Salary (P_288)
P-136					Management Performance Appraisal (P_282-87 P_289-91)
P-137					2005 Form 10-K (Wal-Mart)
P-138					2009 Form 10-K (Wal-Mart)
P-139					Out With The Old: Wal-Mart's Year-Long Pursuit Of A Younger, Cheaper Workforce
P-140					Supplemental Benefits Documentation
P-141					Wal-Mart Nationwide Consent Decree ADA
P-142					Kathleen Curns Performance Evaluation for Shoes and Jewelry District Manager/Regional (D_1016-18)
P-143					Completed Training Report for Kathleen Curns (D_912-15)
P-144					Applicants for Fashion Merchandiser Positions for which Linda Zukaitis applied
P-145					MCS Job Opening Details (D_1830)
P-146					Wal-Mart Severance Pay Plan (P_193-97)
P-147					Kathleen Curns Performance Evaluation for Assistant Store Manager (D_1019-21)

Exhibits Returned to Counsel (Date): _____
Signature: _____

Page 13 of 13

Exhibit No.	Marked for Identification	Admitted Into Evidence	Remarks	Witness	Exhibit Description
P-148					Positions Applied for by Zukaitis (D_ 1658-66)
P-149					Positions Applied for by Zukaitis – Applicant Questions and Answers (D_ 1667-798)
P-150					Positions Applied for by Curns (D_ 1931-46)
P-151					Positions Applied for by Curns – Applicant Questions and Answers (D_ 1947-2251)
P-152					Morgans 2005 Performance Evaluation (D_ 1410-12)
P-153					Morgans 2004 Performance Evaluation (D_ 1431-32)

Exhibits Returned to Counsel (Date): _____
Signature: _____